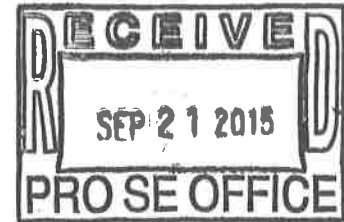


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jacob Fetman



(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

-against-

David Markowitz

Jury Trial: ☒ Yes ☐ No

(check one)

15CV7467

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Jacob Fetman
Street Address 1743 Ocean Ave.
County, City Kings, Brooklyn
State & Zip Code NY, 11230
Telephone Number 646 261 0200

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name David Markowitz
Street Address 26 Edgewood Ave.

County, City Passaic, Passaic
 State & Zip Code NJ, 07012
 Telephone Number 212-921-9090

Defendant No. 2 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal Questions

☒ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? 18 U.S. Code § 1623 - False declarations before grand jury or court

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship New York

Defendant(s) state(s) of citizenship New Jersey

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.

You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? Brooklyn, NY

B. What date and approximate time did the events giving rise to your claim(s) occur? On or about December 1st, 2014

C. Facts: Defendant David Markowitz gave testimony to a grand jury convened by the Brooklyn DA office. Markowitz perjured himself in a number of key statements to the grand jury that eventually recommended Fetman to be tried. Markowitz testified that he was the managing director of the organization for a period of 2.5 years, moving into this managerial role in September 2012. In fact, prior to this date, Markowitz was a staff Rabbi who was not involved in any financial managerial position.

What happened to you?

Who did what?

Markowitz gave testimony as if he had knowledge and control of events that took place starting in August 2010 when in fact he had no knowledge or input on such events.

Was anyone else involved?

Markowitz also perjures himself a number of times stating that certain 'projects' were under his control when it is clearly not true. Specifically, Project Inspire which is a project of Aish International, Inc. - a separate entity, was operated independently by its own directors and staff, not remotely connected to David Markowitz. Defendant Markowitz also gave testimony about another entity, Tomchei Torah, Inc. as if he had any control over any of its activities or operations - which again, predates his assuming the role of managing director.

Who else saw what happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

V. Relief:

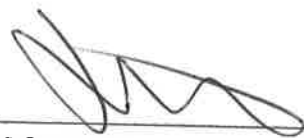
State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. Defendant Markowitz is to contact the Brooklyn DA, admit his perjury and give accurate testimony to the district attorney prosecuting the case.

As this case was publicized by the Brooklyn DA in a press release and publicized in the media, monetary compensatory damages and punitive damages are requested to be decided at trial.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 21 day of September, 2015.

Signature of Plaintiff



Mailing Address

1743 Ocean Ave.

Brooklyn, NY 11230

Telephone Number

646 261 0200

Fax Number (if you have one)

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Inmate Number

1 RABBI DAVID MARKOWITZ

2
3 Q. Rabbi Markowitz, in a loud, clear voice so
4 everybody in the jury can hear you, can you please
5 state your full name for the record?

6 A. David Markowitz.

7 Q. And who do you work for?

8 A. AISH Hatorah New York.

9 Q. And what AISH Hatorah New York?

10 A. It's a Jewish non-profit organization focused
11 on inspiring and educating Jews about their Jewish
12 heritage to get involved in Judaism.

13 Q. And how long have you been with AISH Hatorah New
14 York?

15 A. Just over six years.

16 Q. What is your position there?

17 A. As the chief operating officer.

18 Q. And what are your duties and responsibilities as
19 such?

20 A. I'm responsible for the management of all
21 activities, programs, and services that we run.

22 Q. And prior to being chief operating officer, what
23 was your position there?

24 A. I started in a the organization as the campus
25 director and responsible for all of your college campus

1 outreach activities and then approximately two and a
2 half years ago, assumed the role of managing director,
3 overseeing all of the organization's activities
4 oversight. Then just a few months ago in the summer,
5 the title was changed by the board to being chief
6 managing officer.

7 Q. As managing director, did you oversee the
8 organization's finances?

9 A. I did.

10 Q. And where are AISH's main office?

11 A. Our offices have been in Times Square at 150
12 West 46th Street in Manhattan, New York. And then we
13 have another center in the Upper West Side at 313 West
14 83 Street. We recently closed the office in Times
15 Square this summer.

16 Q. Did you previously work at the Times Square
17 office?

18 A. I did.

19 Q. And where do you work now?

20 A. In the Upper West Side office.

21 Q. How is AISH Hatorah New York funded?

22 A. Through donations from individual private
23 donors or foundations.

24 Q. Do you know somebody named Jacob Fetman?

25 A. I do.

1 Q. Who is Jacob Fetman?

2 A. Jacob Fetman was the chief financial officer,
3 CFO, the organization for the last seventeen plus
4 years.

5 Q. And did you ever interact with Mr. Fetman?

6 A. I did.

7 Q. Can you describe those interactions?

8 A. Mr. Fetman was responsible for the finances
9 of the organization. He would pay all of the bills,
10 deposit all of the checks, and I would work with him to
11 manage the budget.

12 Q. When you say, deposited checks, were those
13 donations made to the organization or subsidiaries?

14 A. They were.

15 Q. And was he also responsible for depositing any
16 type of payments or wire transfers that were meant for
17 the organization or its subsidiaries in the appropriate
18 bank accounts?

19 A. He was.

20 Q. Have you ever seen MR. Fetman sign his name on any
21 AISH documents?

22 A. I have.

23 Q. Do you recognize his signature?

24 A. I do.

25 Q. Is Mr. Fetman still employed there?

1 A. He is not.

2 Q. Would it be fair to say that roughly October of
3 2013 he stopped working at AISH?

4 A. That's correct.

5 Q. Are you familiar with something called Merkaz The
6 Center?

7 A. I am.

8 Q. What do you understand it to be?

9 A. Merkaz The Center is a building that Mr.
10 Fetman owns in Brooklyn where he has some sort of
11 activities -- Jewish activities that run there.

12 Q. Is that particular location on Ocean Avenue in
13 Brooklyn?

14 A. It is.

15 Q. Would it be fair to say it is in Kings County, New
16 York?

17 A. It is.

18 Q. What, if any, connection does Jacob Fetman have to
19 Merkaz The Center as far as you know?

20 A. I understand that he owns it.

21 Q. And what, if any, connection does Merkaz The
22 Center have to AISH Hatorah New York or it's
23 subsidiaries?

24 A. No connection. We run some classes in that
25 building.

1 Q. Is Merkaz The Center a subsidiaries of AISH
2 Hatorah?

3 A. No.

4 Q. With respect to AISH Hatorah New York, are you
5 familiar with something called Project Inspire?

6 A. I am.

7 Q. What is Project Inspire?

8 A. Project Inspire is an initiative to engage
9 the more religious or observing Jewish community in out
10 reach, being open and open mind in sharing their
11 knowledge of Judaism with people who have less of a
12 background.

13 Q. And is Project Inspire a subsidiary of AISH
14 Hatorah New York?

15 A. It is.

16 Q. From the beginning of 2011 to October of 2013,
17 would it be fair to say that AISH Hatorah New York
18 received numerous donations for Project Inspire?

19 A. Yes it.

20 Q. And who was responsible for depositing those
21 donations into a bank account?

22 A. Jacob Fetman.

23 Q. What was that donation supposed to be used for?

24 A. Project Inspire activities.

25 Q. Was it supposed to be used for Merkaz The Center?

1 A. No.

2 Q. From the beginning of 2011 to October of 2013, who
3 at AISH was responsible for depositing checks and other
4 donations for Project Inspire and making sure that the
5 money was spent on Project Inspire's activities on
6 behalf of AISH?

7 A. Jacob Fetman.

8 Q. From the beginning of 2011 to October of 2013 when
9 Mr. Fetman stopped working at AISH, did Mr. Fetman have
10 permission or authority to take over \$700,000 from
11 Project Inspire's bank account and transfer it into a
12 bank account for Merkaz The Center?

13 A. No.

14 Q. During that period of time, did he have permission
15 or authority to take any amount of money from Project
16 Inspire's bank account and transfer it into a bank
17 account for Merkaz The Center?

18 A. No.

19 Q. Are you familiar with something called the Jewish
20 Speaker Group?

21 A. I am.

22 Q. What is the Jewish Speaker Group?

23 A. Jewish Speaker Group is an initiative that we
24 started to develop high talented Jewish speakers that
25 would go out across the county and speak about Jewish

1 topics.

2 Q. Is the Jewish Speaker Group also a subsidiary of
3 AISHA New York?

4 A. It is.

5 Q. And from the beginning of 2011 to October 2013,
6 did the Jewish Speaker Group receive donations and
7 payments for its services that were meant for AISH
8 Hatorah New York?

9 A. It did.

10 Q. And what was supposed to be done with that money?

11 A. Be used for the program services of the
12 Jewish Speaker Group.

13 Q. Was it supposed to be deposited into a bank
14 account for the Jewish Speaker Group?

15 A. It was.

16 Q. And from the beginning of 2011 to October of 2013,
17 who at AISH was responsible for depositing donations
18 and checks for services provided to Jewish Speaker
19 Group into a bank account for Jewish Speaker Group on
20 behalf of AISH New York?

21 A. Jacob Fetman.

22 Q. From the beginning of 2011 to October of 2013,
23 when Mr. Fetman stopped working at AISH, did Mr. Fetman
24 have permission or authority to take over \$30,000.00
25 from the Jewish Speaker Group's bank account and

1 transfer it into a bank account for Merkaz The Center?

2 A. He did not.

3 Q. Was any money in the Jewish Speaker Group's
4 account supposed to be used for Merkaz The center?

5 A. It was not.

6 Q. From the beginning of 2011 to October of 2013,
7 when Mr. Fetman stopped working at AISHA, did
8 Mr. Fetman have permission or authority to take any
9 money out of the Jewish Speaker Group's bank account
10 and AISH and put it into an account for Merkaz The
11 Center?

12 A. He did not.

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1 MR. SPANAKOS: I'm now handing Rabbi Markowitz a
2 group of three documents clipped together that I would
3 ask to be deemed People's 1A for identification.
4

5
6 (SO DEEMED)
7

8
9 MR. SPANAKOS: And now, I'm going to move it into
10 evidence as such, as People's 1 A. I'm going to move
11 it subject to connection.
12

13
14 (SO MOVED)
15

16
17 MR. SPANAKOS: And I anticipate you are going to
18 hear from a representative from Bank of America later
19 about this particular set of documents.

20 I'm also showing Rabbi Markowitz a second larger
21 group of documents collectively deemed People's 1 B.
22

23
24 (SO DEEMED)
25

1 MR. SPANAKOS: So the first three pages are 1A.
2 This next group of -- larger group of documents is
3 deemed 1B.

4 And I'm going to also move that into evidence as
5 1B, again subject to connection, but I anticipate you
6 are going to hear from a representative of Bank of
7 America about this set of documents as well.

8
9
10 (SO MOVED)

11
12
13 MR. SPANAKOS: At this point, I would ask the
14 court reporter to mark 1A as 1A.

15
16
17 (SO MARKED)

18
19
20 MR. SPANAKOS: And 1B as 1B.

21
22
23 (SO MARKED)

1 Q. With respect to 1A, sir, the three pages there,
2 what are the first -- what are those three documents
3 appear to be?

4 A. Um, seems to be the opening of a bank account
5 at Bank of America for the Tomchei Torah Corporation.

6 Q. And what is third page appear to be?

7 A. The opening of a cooperate signature card at
8 Bank of America for the same, the Tomchei Torah
9 Corporation.

10 Q. According to the documents, on what date does the
11 account for Tomchei Torah Cooperation appear to have
12 been opened?

13 A. On November 24th, 2010.

14 Q. And what is the account number appear to be?

15 A. 483026774322.

16 Q. And who is listed as signatory for this particular
17 account?

18 A. Jacob Fetman.

19 Q. Does his signature appear on that third page?

20 A. It does.

21 Q. And you recognize his signature?

22 A. I do.

23 Q. Is there anybody else besides Mr. Fetman listed as
24 signatory for this particular account?

25 A. No.

1 Q. Could you now please take a look at the group
2 point of documents collectively marked as 1B?

3 A. Okay.

4 Q. What do they appear to be?

5 A. Copies of checks deposited.

6 Q. Okay.

7 Have you reviewed these previously?

8 A. I have.

9 Q. Do they all appear to be checks that appear to
10 have been deposited in that particular Tomchei Torah
11 account?

12 A. They do.

13 Q. Okay.

14 Are you familiar with the following entities;
15 Jewish Literacy Institute, Jewish Literacy Project,
16 Goldhar Learning System, and Goldhar Advantage, Inc?

17 A. I am.

18 Q. Could you please tell jury what these entities
19 are?

20 A. So, the Jewish Literacy Project is an
21 initiative to inspire all Jews to be literate about
22 Judaism. We have different projects and schools and
23 through seminars and courses to effect that
24 eventuality.

25 Q. And all of these entities I mentioned, Jewish

1 Literacy Institute, Jewish Literacy Project, Goldhar
2 Learning System, and Goldhar Advantage, what is their
3 connection to AISH Hatorah New York?

4 A. They are all projects of AISH Hatorah New
5 York.

6 Q. Now, with respect to the checks in People's 1B,
7 what appears to be the earliest date that a check is
8 deposited?

9 A. It's November 4th, 2010.

10 Q. Would it be fair to say that these deposits seem
11 to be in chronological order?

12 A. Yeah, by deposit date.

13 Q. What is the most recent deposit date of this
14 group?

15 A. August 21st, 2013.

16 Q. Would it be fair to say that these checks appear
17 to be made out in varying amounts of money?

18 A. Yes.

19 Q. Would it be fair to say that many of them are less
20 than \$100.00?

21 A. Yes.

22 Q. Would it be fair to say that some are as much as
23 \$15,000.00 or \$25,000.00?

24 A. Yes.

25 Q. Or possibly higher?

1 A. Yes.

2 Q. Did Jacob Fetman have permission or authority to
3 open up a bank account for an entity called Tomchei
4 Torah and then take these checks that appear in
5 People's 1B, checks made out to Jewish Literacy
6 Project, Jewish Literacy Institute, Jewish Literacy,
7 Goldhar Learning, Goldhar Advantage, or Goldhar
8 Advantage, Incorporated and then deposit these checks
9 into Tomchei Torah, an account where he was the only
10 signatory?

11 A. He did not.

12 Q. Did Jacob Fetman have permission or authority to
13 then take the money from these checks and transfer that
14 money into an account for The Merkaz Center in Kings
15 County, New York?

16 A. He did not.

17 MR. SPANAKOS: Thank you, sir.

18 I have no further questions at this time. You may
19 step down.
20

21 (WITNESS EXCUSED)
22

23
24 MR. SPANAKOS: 
25

1
2 (WHEREUPON, THE ASSISTANT DISTRICT ATTORNEY AND
3 THE WITNESS RETURNS TO THE GRAND JURY ROOM.)
4
5

6
7 MR. SPANAKOS: Let the record reflect Rabbi
8 Markowitz is returning to the stand.

9 FOREPERSON: We remind you that you are still
10 under oath.

11 THE WITNESS: Okay.

12 MR. SPANAKOS: Mr. Foreperson, has Rabbi Markowitz
13 been reminded he is still under oath?

14 FOREPERSON: Yes, he has.
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25

1 RABBI DAVID MARKOWITZ, RECALLED

2
3 Q. Rabbi Markowitz, with respect to Merkaz The
4 Center, as far as you know, what, if any, activities
5 took place at that location?

6 A. At Merkaz, I know that there is a daycare
7 that Mr. Fetman's wife runs and a synagogue that runs
8 services there.

9 Q. With respect to any transfers from AISH bank
10 accounts or its subsidiaries, did Mr. Fetman, as CFO or
11 as acting CFO, did he need permission -- did he need to
12 clear it with somebody at AISH before he took money out
13 of AISH accounts or its subsidiary accounts and
14 transfer that money into a Merkaz account?

15 A. He did need permission.

16 Q. Is that something that he would have to clear with
17 you?

18 A. Yeah.

19 Q. Did he ever do that?

20 A. No.

21 MR. SPANAKOS: Thank you, sir.

22 No further questions.

23
24
25 (WITNESS EXCUSED)